

SUMMARY REPORT OF INVESTIGATION¹**I. EXECUTIVE SUMMARY**

Date of Incident:	November 12, 2015
Time of Incident:	10:01 p.m.
Location of Incident:	XXXX W. 63 rd Street
Date of COPA Notification:	November 13, 2015
Time of COPA Notification:	6:21 p.m.

On 12 January 2015, at approximately 10:00 P.M., Officer 2, and Officer 1 conducted a field interview/investigatory stop on Subject 1 and Subject 2 who were in the vicinity of XXXX S. Campbell. The officers conducted a protective pat-down and informed them that they were being taken to XXXth District for further investigation. Subject 1 and Subject 2 agreed to go to the police station because they believed that they were not under arrest.

Once they arrived at the XXXth District police station Subject 1 and Subject 2 were placed in an interview room/ processing area. Officers 2 and 1 proceeded to conduct a custodial search of Subject 1, who was wearing multiple layers of clothing. Subject 1 was asked to remove the items from his pocket and to lower his pants, at which time he complied. The officers asked Subject 1 why he was wearing multiple layers of the clothing, which he responded, "Because of the weather conditions." The officers approached Subject 1 and attempted to place him in handcuffs to facilitate an effective search. Subject 1 stiffened his body in resistance and refused to allow the officers to handcuff him. At this time, the officers executed a control tactic and Subject 1 was placed on the floor and landed on top of Officer 2, during which time Officer 1 fell onto of Subject 1. Several officers entered the room and proceeded to gain physical control Subject 1 using control tactics and mechanical strikes. The arresting officers eventually were successful in placing Subject 1 into custody. This investigation revealed that the allegations alleged by Subject 1 and Subject 2 were found to be Not Sustained and Exonerated.

II. INVOLVED PARTIES

Involved Officer #1:	Officer 1, Star# XXXXX, Employee ID# XXX, DOA: XX/XX/1995, Officer, Unit XXX, DOB: XX/XX/1970, Male, A
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¹ On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

Involved Officer #2:	Officer 2, Star# XXXX, Employee ID# XXXXXX, DOA: XX/XX/2007, Officer, Unit XXX, DOB: XX/XX/1983, Male, A
Witness Officer #1:	Officer 3, Star #XXXXX, Employee ID# XXXXX, DOA: XX/XX/2000, Officer, Unit XXX, DOB: XX/XX/1974, Male, A
Subject #1:	Subject 1, DOB: XX/XX/1992, Male, Black
Subject #2:	Subject 2, DOB: XX/XX/1996. Male, Black

III. ALLEGATIONS

Officer	Allegation	Finding
Officer 1	1. Grabbed Subject 1 by the legs and tripped him to the floor; 2. Struck Subject 1 about the body and face; and 3. Called Subject 1 and Subject 2 “Savage ass niggers.”	Exonerate Not Sustained Not Sustained
Officer 2	1.Grabbed Subject 1 by the legs and tripped him to the floor; 2.Stuck Subject 1 about the body and face; and 3.Called Subject 1 and Subject 2 “Savage ass niggers.”	Exonerate Not Sustained Not Sustained

IV. APPLICABLE RULES AND LAWS

Rules
Rule 8: Disrespect to or maltreatment of any person, while on or off duty.
General Orders
General Order G03-02-01: The Use of Force Model
General Order G03-02-02: Force Options
State Laws

720 ILCS 570.0/402-C: PCS – Possession Amount Control Substance Except (A) (D)

720 ILCS 550.0/4-A: Cannabis – Possess Less than 2.5 Grams

720 ILCS 5.0/31-1-A: Resisting/Obstructing/ Peace Officer/ Correction Employee

10-8-515: Soliciting Unlawful Business

720 ILCS 5.0/12-3-A-2: Battery – Make Physical Contact

V. INVESTIGATION

a. Interviews

COPA Interviewed the complainant, Subject 1², on 15 January 2015. Subject 1 reported that on 12 January 2015, he and his brother, Subject 2, were walking to the store when they were stopped by an unmarked squad car. The officers, now known as Officers 1 and 2, patted them down and informed them that they were taking them to the XXXth District Police Station to run their names. Subject 1 and Subject 2 complied with the officers, and they were transported to the police station.

When they arrived at the XXXth District Police Station, the officers put him and Subject 2 in the same interview room. One of the officers (Officer #1) told Subject 1 to empty his pockets and to lower his pants. Subject 1 complied, but then immediately raised his pants back up. Officer #1 noticed that Subject 1 was wearing two pairs of pants and asked him, “Why are you wearing another pair of pants?” Subject 1 informed the officer that he was wearing the extra pair of pants, because of the weather conditions.

At this time, Officer #1 approached Subject 1 and grabbed his arm and told him that he was placing him in handcuffs. Subject 1 admitted that he stiffened his arms and refused to allow the officer to handcuff him. Subject 1 indicated that he refused to let the officer handcuff him because the officers told him that he was only in the district to run him and his brother’s names. The other officer (Officer #2) grabbed his other arm and attempted to assist in handcuffing him. Officer #1 then grabbed his legs, tripped him to the floor, causing him to land on Officer #1. Officer #1 accused Subject 1 of reaching for his gun, and the officers called for assistance. Several officers entered the interview room and began to punch and kick Subject 1 about the face and body. Subject 1 also related that an unknown officer put his foot and knee on his face.

Subject 1 sustained pain to his head and body, and he received medical treatment at the University of Chicago Hospital. Subject 1 also had abrasions on his arms, elbows, face, and back. (Att. #14)

² Att. 14

COPA interviewed **Reporting Party Victim, Subject 2**³, on 15 January 2015. Subject 2 related, in essence, the same information as for his brother, Subject 1. Subject 2 further related that while they were at the XXXth District Police Station, Subject 1 was thrown to the ground, and struck about the body and face. Subject 2 described the physical abuse as slamming Subject 1 into the floor, elbowing him on the face, and beating him about the body. The officers then took Subject 1 into another area of the station where he was allegedly beaten by the officers. Subject 2 stated that he recorded the incident on his phone, but when he refused to delete the video footage, the officers confiscated the phone. Subject 2 further related that an officer referred to him and Subject 1 as "Savage ass niggers." Subject 2 also heard one of the officers say words to the effect of "I tried to break his fucking arm."

COPA interviewed the accused, **Officer 2**⁴, on 20 October 2015. Officer 2 informed COPA on 12 January 2015, he and his partner, Officer 1, were in the vicinity of XXXX W. 63rd Street when they observed Subject 1 and Subject 2, yelling "Rocks" to passing vehicles. Officers 2 and 1 conducted a field interview with Subject 1 and Subject 2, then conducted a protective pat-down, placed them in the squad car and transported them to the XXXth District Police Station.

When they arrived at the XXXth District Police Station, the officers placed Subject 1 and Subject 2 in the processing room. At this time, Officers 2 and 1 were going to conduct a thorough custodial search of Subject 1, who had on multiple layers of clothing on. Subject 1 stood up, grabbed the top of the divider, and refused to comply with the search. Subject 1 also stiffened his body and ignored the officers' directives. Officers 2 and 1 attempted to handcuff Subject 1, but he would not let go of the divider. The officers then conducted an emergency takedown. They were able to get Subject 1 to the ground, which caused Subject 1 to land on top of Officer 2, and Officer 1 landed on top of Subject 1.

According to Officer 2, Subject 1 struck him with his elbow. Officer 2 indicated that Subject 1 was on top of him with his (Subject 1) back on Officer 2's chest. Officer 2 then struck Subject 1 with his elbow, but he continued to struggle. Subject 1 also pushed and shoved Officer 1. Officer A called for assistance over the radio. Several officers entered the processing room, and they placed Subject 1 into custody. Once Subject 1 was secured by the assisting officers, Officer 2 did not witness anything else that occurred. Officer 2 did not recall observing any injuries to Subject 1. Officer 2 explained that he never got an opportunity to search Subject 1 and that another officer searched and recovered narcotics from him. Officer 2 did not know which officer searched Subject 1. Officer 2 denied the allegations made against him.

COPA interviewed the accused, **Officer 1**⁵, on 20 October 2015. Officer 1 stated that on 12 January 2015 Subject 1 and Subject 2 were placed under arrest for soliciting drugs. Officer 1 indicated that Subject 1 and Subject 2 were searched for weapons, handcuffed and placed in the

³ Att. 21

⁴ Att. 37

⁵ Att. 41

squad car. Officers 1 and 2 then transported Subject 1 and Subject 2 to the XXXth District Police Station.

While at the XXXth District Police Station, the officers placed Subject 1 and Subject 2 in the processing room. Subject 1 and Subject 2 were told to put all their items on the table. During that time, Officer 1 observed that Subject 1 had on three layers of pants. Officer 1 told Subject 1 to take off the top layer of pants, and Subject 1 refused. Subject 1 was standing up at the time, and he held on to a divider connected to the processing table.

Officer 1 and Officer 2 approached Subject 1 and attempted to handcuff him behind his back. Subject 1 stiffened his body and refused to comply with the officer's commands. At this time, Subject 1 shoved Officer 1 on the chest. Officer 1 believed that he had one of Subject 1' arms handcuffed, and they attempted to gain control of Subject 1. At one point during the struggle, Officer 1 grabbed one of Subject 1' legs, but he was still unable to get control of Subject 1. Officer 1, Officer 2, and Subject 1 continued to struggle with one another until they all fell to the floor. Officer 1 said Officer 1 was on the floor, Subject 1 was on top Officer 2 and Officer 1 was on top of Subject 1. According to Officer 1, he observed Subject 1 elbow Officer 2 at least once.

The struggle continued, and Officer 2 finally got on the radio and called for assistance. Officer 1 indicated that he struck Subject 1 in the chest and jaw with his forearm and closed fist, to stop him from struggling. The assist officers entered the room, and they were able to place Subject 1 into custody. Officer 1 never observed any injuries to Subject 1. Officer 1 admitted to grabbing Subject 1' leg but indicated that he only did it because Subject 1 was resisting arrest. Officer 1 admitted to striking Subject 1 on the chest, but he was not sure if he struck him on the face. Officer 1 denied verbally abusing Subject 1 and Subject 2.

In a To-From Report dated 14 January 2016, the **witness, Officer 3**⁶ stated he was at the XXXth District Police Station when an emergency was called out over Zone 6, "Officers needing assistance in the XXXth District processing area." Upon entering the room, Officer 3 observed Subject 1 on top Officer 2, and he was resisting with Officers 2 and 1. Officer 3 immediately removed his Taser from the holster and utilized the laser sights by pointing it at Subject 1's chest and giving verbal commands. Officer 3 then performed an armbar and wristlock and pulled Subject 1 off of Officer 2 and assisted in handcuffing him. Officer 3 denied witnessing the allegations made against Officers 2 and 1.

b. Digital Evidence

The **evidence technician photographs**⁷ of Subject 1 depicted abrasions to his right shoulder, an abrasion to his right wrist, scratches to the back of his neck, and abrasions on both elbows.

⁶ Att. 50

⁷ Att. 45

c. Physical Evidence

The **medical records⁸** from The University of Chicago Hospital for Subject 1 indicated he complained of facial pain which resulted from an assault. Subject 1 explained that he was kicked and punched by a police officer while in police custody. Subject 1 did not have any redness or swelling to his face.

d. Documentary Evidence

The **Arrest Report and Case Report Recorded Under RD# XXXXXXXX of Subject 1⁹** indicated he was arrested for possession of a controlled substance, cannabis, resisting arrest, soliciting unlawful business and battery, by Officers 1 and 2. The narrative of the report indicated that Subject 1 was placed into custody after he was observed yelling “rock-rocks” at passing citizens and vehicles. The arresting officers transported Subject 1 to the XXXth District Police Station for processing.

While at the XXXth District Police Station, Subject 1 refused to allow the arresting officers to search his cargo pants. Subject 1 stiffened his body and refused to place his hand behind his back. The arresting officers gave verbal commands, which Subject 1 refused to follow. Subject 1 began to struggle and attempted to defeat the officers during emergency handcuffing. The arresting officers called for assist officers, and they were finally able to place Subject 1 into custody. During the struggle, Subject 1 elbowed Officer 2 in the chest and pushed Officer 1 in the chest. During the search of Subject 1 the officers found one plastic bag that contained (10) knotted bags each with A rock suspect crack cocaine. The officers also found one plastic bag which contained (6) ziplock bags with a green leafy substance.

The **Arrest Report of Subject 2¹⁰** indicated that he was arrested for soliciting unlawful business by Officers 1 and 2. The narrative of the report indicated that Subject 2 was arrested after he was observed yelling “rocks-rocks” at passing citizens and vehicles. Subject 2 was placed into custody and transported to the XXXth District Police Station.

The **Tactical Response Report completed by Officer 2¹¹** for Subject 1 indicated that he did not follow verbal direction, stiffened, pulled away, flailed arm, and elbowed R/O in the chest. Officer 2 responded with member presence, verbal commands, armbar, take down/emergency handcuffing, and elbow strike.

The **Tactical Response Report completed by Officer 1¹²** for Subject 1 indicated that he did not follow verbal direction, stiffened, pulled away, and pushed R/O in the chest. Officer 1

⁸ Att. 44

⁹ Att. 4, 6

¹⁰ Att. 5

¹¹ Att. 25

¹² Att. 26

responded with member presence, verbal commands, escort holds, take down/emergency handcuffing, closed hand strike/punch, and forearm strike.

The **Tactical Response Report completed by Officer 3**¹³ for Subject 1 indicated that he did not follow verbal direction, stiffened, pulled away, and flailed arms. Officer 3 responded with member presence, verbal commands, wristlock, armbar, and Taser (Laser Targeted).

VI. ANALYSIS

The burden of proof COPA must reach for a finding on each allegation is the preponderance of the evidence standard.

It is alleged that Officer 1: (1) grabbed Subject 1 by the legs and tripped him to the floor; (2) Struck Subject 1 about the body and face; and (3) Called Subject 1 and Subject 2 “Savage ass niggers.”

a. Allegation 1: Grabbed Subject 1 by the legs and tripped him to the floor

The evidence shows that Officer 1 performed an emergency takedown during his encounter with Subject 1. Subject 1 reported that the officers asked him to lower his pants during a search, in which he complied. Subject 1 indicated that he immediately pulled his pants back up. Subject 1 admitted that when the officers attempted to handcuff him, he stiffened his body and would not allow the officers to handcuff him. Officer 1 reported that when he and Officer 2 approached Subject 1 to place him in handcuffs, Subject 1 held onto a dividing wall and would not allow them to handcuff him. At this time Officers 1 and 2 had to force Subject 1 fell to the floor. Offices 1 and 2 documented their actions in the Department reports.

Based on the evidence and the admission from Subject 1 that he resisted the officers, COPA recommends a finding of **Exonerated**.

b. Allegations 2 - 3: Struck Subject 1 about the body and face; and called Subject 1 and Subject 2 “Savage ass niggers.”

COPA recommends a finding of **Not Sustained** for allegations 2 – 3 against **Officer 1**. Officer 1 indicated that he struck Subject 1 on the chest with his forearm in an attempt to stop to him from striking Officer 2 with his elbows, and could have possibly struck Subject 1 on the face. Officer 1 denied calling Subject 1 and Subject 2 “Savage ass niggers.”

In the statement of Subject 1, he admitted that he stiffened his body and resisted the officers because he didn’t believe the officers should have handcuffed him. Subject 1 did not sustain any injuries to his facial area, but he had abrasions to his elbows, shoulders, neck and his right wrist.

¹³ Att. 28

Due to the lack of evidence to either prove or disprove the allegations, the COPA recommends a finding of **Not Sustained**.

It is alleged that Officer 2: (1) grabbed Subject 1 by the legs and tripped him to the floor; (2) Struck Subject 1 about the body and face; and (3) Called Subject 1 and Subject 2 “Savage ass niggers.”

a. Allegation 1: Grabbed Subject 1 by the legs and tripped him to the floor

The evidence shows that Officer 2 performed an emergency takedown during his encounter with Subject 1. Subject 1 reported that the officers asked him to lower his pants during a search, in which he complied. Subject 1 indicated that he immediately pulled his pants back up. Subject 1 admitted that when the officers attempted to handcuff him, he stiffened his body and would not allow the officers to handcuff him. Officer 2 reported that when he and Officer 2 attempted to conduct a custodial search, Subject 1 stood up grabbed the dividing wall and stiffened his body. Officers 2 and 1 attempted to handcuff Subject 1, but he would not let go of the dividing wall. At this time, Officers 1 and 2 conducted an emergency takedown, which caused all three of them to fall on the floor. Offices 1 and 2 documented their actions in the Department reports.

Based on the evidence and the admission from Subject 1 that he resisted the officers, COPA recommends a finding of **Exonerated**.

b. Allegations 2 - 3: Struck Subject 1 about the body and face; and called Subject 1 and Subject 2 “Savage ass niggers.”

COPA recommends a finding of **Not Sustained** for allegations #2 – 3 against **Officer 2** for the same reasons given to Officer 1. Officer 2 further indicated that he gave Subject 1 an elbow strike after Subject 1 elbowed him in the chest. Officer 2 denied the allegations made against him.

VII. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding
Officer 1	1. Grabbed Subject 1 by the legs and tripped him to the floor; 2. Struck Subject 1 about the body and face; and 3. Called Subject 1 and Subject 2 “Savage ass niggers.”	Exonerate Not Sustained Not Sustained
Officer 2		Exonerate

1.Grabbed Subject 1 by the legs and tripped him to the floor;	Not Sustained
2.Struck Subject 1 about the body and face; and	Not Sustained
3.Called Subject 1 and Subject 2 "Savage ass niggers."	

Approved:

Deputy Chief Administrator 1 – Chief Investigator

Date

Appendix A

Assigned Investigative Staff

Squad#:	XX
Investigator:	Investigator 1
Supervising Investigator:	Supervising Investigator 1
Deputy Chief Administrator:	Deputy Chief Administrator 1